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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/445328
		Filing Date	December 7, 1999
		First Named Inventor	Kuber T. Sampath
		Art Unit	1647
		Examiner Name	D. S. Romeo
Total Number of Pages in This Submission	3	Attorney Docket Number	JJJ-P01-514

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROPES & GRAY LLP		
Signature			
Printed name	Ignacio Perez de la Cruz		
Date	March 1, 2005	Reg. No.	55,535

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 626909316 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 1, 2005 Signature: Linda Blake (Linda Blake)

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 626909316 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 1, 2005 Signature 
(Linda Blake)

Docket No.: JJJ-P01-514
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sampath et al.

Confirmation No.: 9813

Application No.: 09/445328

Art Unit: 1647

Filed: December 7, 1999

Examiner: D. S. Romeo

For: THERAPIES FOR ACUTE RENAL FAILURE

March 1, 2005

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An office action was mailed on February 1, 2005 in connection with the subject application. The office action provided a period of one month for filing a response *i.e.* by March 1, 2005. Accordingly, this Amendment is being timely filed within the extended period.

The Office Action requires an election between the *species* of standard markers of renal function recited in claims 54 and 55, *i.e.* between rate of increase in BUN levels, rate of increase in serum creatine, static measurement of BUN, static measurement of serum creatine, glomerular filtration rate (GFR), ratio of BUN/creatinine, serum concentration of sodium (Na⁺), urine/plasma ratio for creatine, urine/plasma ratio for urea, urine osmolarity, and daily urine output.

In response, applicants hereby elect with traverse the following species *for search purposes only*: glomerular filtration rate (GFR). Applicants submit that all pending claims read on the elected species. Applicants traverse the election requirement on the grounds that it would not pose an undue burden to the Examiner to search all the species.

Applicants respectfully remind the Examiner that upon allowance of the generic claims, applicants are entitled to consideration of claims to additional species which are written in

dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. JJJ-P01-514 from which the undersigned is authorized to draw.

Dated: March 1, 2005

Respectfully submitted,

By Ignacio Perez de la Cruz
Ignacio Perez de la Cruz

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